

In re International Application of: BIOGEN IDEC INC.
International Application No.: PCT/US03/18253
International Filing Date: 10 June 2003 (10/06/03)
Title: "GENES OVEREXPRESSED BY CANCER
AND THEIR USE IN DEVELOPING NOVEL
THERAPEUTICS"

International Bureau of WIPO
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AMENDMENT UNDER PCT ARTICLE 19

Applicant hereby requests amendment of claim 1 as indicated on the attached replacement pages 98, 101, 102, and 103.

Claim 1 is amended to refer to SEQ ID NOs: 40 and 42 in part (b) rather than part (a), as originally filed. The amendment is made on the basis that SEQ ID NOs: 40 and 42 are amino acid sequences encoded by the nucleotide sequences of SEQ ID NOs: 39 and 41, respectively, which are already included in claim 1, part (a). *See* pages 87-89 of the originally filed application.

In addition, the preamble of claim 1 is amended to refer to "[a]n isolated nucleic acid which encodes a cancer cell antigen and which comprises a sequence selected from the group consisting of." As originally drafted, it appears unclear whether the transitory language "consisting of" refers to the group of nucleotide sequences set forth as subpart (a), (b), and (c), or to the isolated nucleic acid. Support for the amendment is found throughout the originally filed application, including, for example, at page 25, lines 5-21, wherein it is stated polynucleotide molecules comprising the disclosed sequences can be used in a polynucleotide construct; at page 3, lines 21-24, wherein it is stated that additional nucleic acids of the invention encode cancer antigens comprising one or more MHC class I binding epitopes and that bind to the complement of the disclosed nucleic acids under high stringent conditions; at page 12, lines 8-14, wherein variant nucleic acids are described based on sequence identity, which includes nucleic acids having extra

nucleotides; at page 16, lines 10-15, wherein preparation of fusion proteins is described, *i.e.*, by making a DNA construct which comprises a coding sequence encoding an amino acid sequence corresponding to an ovarian antigen of the invention; among other places. These descriptions clearly encompass nucleic acids having variant nucleotide sequences when compared to the sequences specified by SEQ ID NOs., including longer sequences, to support use of "comprising."

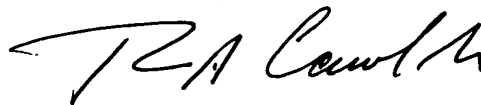
Claim 32, which is directed to a treatment method, is amended to properly depend from claim 31. As originally filed, the claim incorrectly depended from claim 29, which is not a method claim.

Claim 40 is amended to replace "reagent" with "therapeutic reagent" as used in claim 36, from which claim 40 depends.

Claim 52 is amended to replace "antibody" with "therapeutic agent" as used in claim 51, from which claim 52 depends.

Entry of the amendments prior to issuance of a Written Opinion is respectfully requested. Given that a demand for international preliminary examination was filed previously, a copy of this amendment is also being transmitted to the International Examination Authority.

Respectfully submitted,
BIOGEN IDEC INC.



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TAC/JBM